

## REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

By this Amendment, claims 1-4, and 10-13 have been amended to provide a clearer presentation of the claimed subject matter. Applicant submits that no new matter has been introduced. As such, claims 1-4, and 10-13 are presented for examination of which claims 1 and 10 are independent.

### REJECTIONS UNDER 35 U.S.C. §103(a)

In the Office Action dated February 6, 2008, the Examiner rejected claims 1-5, and 10-14, under 35 U.S.C. §103(a), as allegedly being unpatentable over Fukui (U.S. Patent No. 5,982,912) in view of Yasuda (U.S. Patent No. 5,040,213).

Applicant respectfully traverses the prior art rejections, under 35 U.S.C. §103(a), because the Examiner has failed to establish a *prima facie* case of obviousness for the reasons presented below.

As indicated above, independent claim 1 positively recites, *inter alia*,

a data acquisition unit configured to acquire ***a plurality of certifying data*** from a recognized individual, ***the plurality of certifying data comprising attribute information associated with the recognized individual that is repeatedly acquired***;

a change calculation unit configured to calculate the ***change in positions of like feature points detected from the plurality of certifying data*** by the detection unit;

an aptitude judging unit configured to judge whether the ***plurality of certifying data acquired by the data acquisition unit are appropriate*** for the preparation of a certifying dictionary ***based on the change in the like feature points*** calculated by the change calculation unit, the plurality of certifying data being judged inappropriate if the change in like feature points is above and/or below at least one threshold value;

a dictionary preparing unit configured to prepare a certifying dictionary with one or more certifying data of the plurality of certifying data that are judged to be appropriate by the aptitude judging unit.

With this said, Applicant respectfully submits that the Fukui and Yasuda citations relied upon by the Examiner do little in the way of rendering Applicant's claims obvious.

Various embodiments of Applicant's invention relate to recognizing individuals wherein an individual may be recognized to certify whether the individual is a proper person by using a plurality of certifying data acquired from the individual, wherein the plurality of certifying data comprise attribute information (for example, face images, finger prints, retina images, etc.) associated with the individual. In contrast, neither Fukui nor Yasuda, disclose recognizing an individual using a *plurality of certifying data* acquired from the individual. In fact, Fukui discusses person identification using *only one* face image of the person as input. Moreover, Yasuda is not concerned with recognizing individuals, much less, recognizing an individual using plurality of certifying data. Yasuda, in fact, relates to speech recognition and a method of renewing a reference speech pattern.

Column 3, lines 40-55 of Fukui discloses an image input section 11 that comprises a TV camera to input *a face image* of a person to be identified. Face area extraction section 12 then extracts data relating to *the face area* of the person from *the face image*. Thus, it is clear that in Fukui, only *one face image* of the person is input and not a *plurality of certifying data*, wherein the plurality of certifying data comprise attribute information (for example, face images, finger prints, retina images, etc.) associated with the individual. As such, Fukui fails to teach or suggest, a data acquisition unit configured to acquire *a plurality of certifying data* from a recognized individual, *the plurality of certifying data comprising attribute information associated with the recognized individual that is repeatedly acquired*, as required by Applicant's claim 1.

Moreover, column 4, lines 13-19, and column 5, lines 48-61 of Fukui disclose that feature point set selection section 14 detects face structure parameters from each set of candidates of feature points in the face area and calculates the value of the face structure parameters. Thus, Fukui merely discloses calculating the value of the face structure parameters associated with only *one face image* of the person. There is no mention of calculating a *change in positions* of feature points, much less, calculating a *change in positions* of *like* feature points that are detected from, for example, a *plurality* of face images. As such, Fukui fails to teach or suggest, a change calculation unit configured to calculate the

*change in positions of like feature points detected from the plurality of certifying data* by the detection unit, as required by Applicant's claim 1.

As mentioned above, since Fukui fails to teach or suggest that a plurality of certifying data are acquired from a recognized individual, and that a change in positions of like feature points detected from the plurality of certifying data is calculated, Fukui cannot teach or suggest an aptitude judging unit configured to judge whether the *plurality of certifying data acquired by the data acquisition unit are appropriate* for the preparation of a certifying dictionary *based on the change in the like feature points* calculated by the change calculation unit, the plurality of certifying data being judged inappropriate if the change in like feature points is above and/or below at least one threshold value, also as required by Applicant's claim 1.

Furthermore, the Examiner at page 3 of the Office Action admits that Fukui fails to disclose a dictionary preparing unit configured to prepare a certifying dictionary with one or more certifying data of the plurality of certifying data that are judged to be appropriate by the aptitude judging unit. However, the Examiner erroneously relies of Yasuda for this feature.

First, the Examiner has legally erred in combining Yasuda with Fukui to reject Applicant's pending claims. Applicant respectfully submits that Yasuda is non-analogous prior art as it is not in Applicant's field of endeavor, nor is it reasonably pertinent to the particular problems with which Applicant is faced. *See* MPEP § 2141.01(a). Yasuda is *not* concerned with recognizing individuals, much less, recognizing an individual using plurality of certifying data. Yasuda, in fact, relates to speech recognition and a method of renewing a reference speech pattern. *See* Abstract and column 1, lines 6-8 of Yasuda. Hence, Applicant submits that Yasuda is not a reference that "logically would have commended itself to an inventor's attention in considering his problem." *See In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

Second, even assuming *arguendo* that Yasuda is properly combinable with Fukui (which Applicant does not concede for the reasons discussed above), Applicant respectfully submits Yasuda fails to cure the deficiencies of Fukui identified above. Yasuda discloses that only *one input pattern* of an utterance of a word is input, a renewed reference pattern is determined and the renewed reference pattern is registered in a dictionary memory. Thus, Yasuda fails to disclose that a certifying dictionary is prepared with one or more certifying

data *of the plurality of certifying data* (acquired from the recognized individual) that are judged to be appropriate by the aptitude judging unit.

Thus, for at least these reasons, Applicant submits that none of the asserted references, whether taken alone or in reasonable combination, teach or suggest the claimed combination of elements recited by amended claim 1. As such, claim 1 is clearly patentable. And, because claims 2-5 depend from claim 1, either directly or indirectly, claims 2-5 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 1-5 is respectfully requested.

Applicant further submits that because independent claim 10 recites similar patentable features as claim 1, claim 10 is also patentable for the same reasons given relative to claim 1. And, because claims 11-14 depend from claim 10, claims 11-14 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, immediate withdrawal of the prior art rejections of claims 10-14 is respectfully requested.

**CONCLUSION**

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

**PILLSBURY WINTHROP  
SHAW PITTMAN LLP**



E. R. HERNANDEZ  
Reg. No. 47641  
Tel. No. 703.770.7788  
Fax No. 703.770.7901

Date: April 22, 2008  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900